REMARKS

The Applicants respectfully request reconsideration and allowance of claims 1-20 in view of the above amendments and the arguments set forth below.

I. THE CLAIM AMENDMENTS

Claim 1 is amended above to limit the method to a particular machine, the data processing system such as central computers 34 or 36 shown in Figure 3, or a combination of the data processing devices shown as the back office 12 in Figure 3. Claim 1 is also amended to clarify that the player is associated with a particular bingo card representation. Claims depending from claim 1 are amended above as necessary for consistency with the amendment to claim 1.

Claim 5 is also amended above to refer to a single record.

Claim 8 is amended above to clarify that the player is associated with a particular bingo card representation similarly to claim 1, and is amended to clarify that the respective game play record assigned for a respective game play request is the game play record corresponding to the bingo card representation with which the respective game play request is associated.

Claim 9 is amended above to correct a naming error in the previous version of the claim.

Claim 14 is amended above to clarify that the game play request initiating player is associated with a particular bingo card representation from the bingo card representations used to produce the matched card set.

II. THE CLAIMS AS AMENDED ARE DIRECTED TO STATUTORY SUBJECT MATTER

The Office Action rejected claims 1-7 under 35 U.S.C. §101 for being directed to non-statutory subject matter.

The Applicants believe the above amendments to claim 1 to limit the method to a particular machine (the data processing system disclosed in the present application) meets the "machine" prong of the machine or transformation test set out in *In re Bilski*. The Applicants therefore believe that claim 1 as amended is directed to statutory subject matter and that the Section 101 rejection should be withdrawn.

III. THE CLAIMS ARE NOT OBJECTIONABLE FOR NONSTATUTORY OBVIOUSNESS-TYPE DOUBLE PATENTING OVER CLAIMS FROM THE 776 PATENT.

The Office Action rejected claims 1-4, 7-11, and 14-16 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 7-10, 12, 16-18, 21-22, 28, and 34-36 of U.S. Patent No. 6,802,776 (the "776 patent"). The Applicants respectfully traverse this rejection.

Applicants' claims are patentably distinct from the claims of the 776 patent because the claims of the 776 patent do not teach or suggest all of the limitations required by Applicants' claims. The 776 patent is directed to a gaming system that matches a set of bingo card representations to a ball draw to produce a set of game play records. Each of these game play records corresponds to a respective bingo card representation and includes a result indicator for that particular bingo card representation (See e.g. the 776 patent at claim 1, element (a)). This

matched card set is stored and then records from the matched card set are assigned to players in the gaming system in response to game play requests initiated by the players (See e.g. the 776 patent at elements (b) and (c) of claim 1).

The present application is directed to a bingo gaming system that uses a matched bingo card set similar to that disclosed and claimed in the 776 patent. Thus, element (a) of claim 1 in the present application requires a matching step to produce the matched card set. However, there is a fundamental difference between the bingo gaming system claimed in the present case and that disclosed and claimed in the 776 patent. This difference relates to the game play requests which are initiated by the players in the gaming system and how the records are selected from the matched card set for response to a game play request. In the system disclosed in the 776 patent, the game play request may include data indicating a wager amount and includes at least sufficient information to indicate the particular matched card set from which a game play record is to be assigned (776 patent at col. 13, lines 18-28 and lines 45-58). The game play records in the 776 patent gaming system may be assigned randomly to incoming game play requests (See e.g. 776 patent at claim 1, element (c)). Unlike the system claimed and disclosed in the 776 patent, the present invention requires that each game play request is not only associated with a given player as in the system disclosed in the 776 patent, but also requires that the player is associated with a respective bingo card (See e.g., present claim 1, element (b); see also the discussion in the present application at p. 5, line 15 to p. 6, line 6 and at p. 28, lines 3-11). **Thus, the incoming game play request dictates the particular game play record that is assigned in response to the game play request. In particular, each player is assigned the game play record**

corresponding to the bingo card representation with which the player is associated (claim 1 as amended above, element (c)).

The 776 patent does not disclose nor does it claim or suggest the limitation in the present claims regarding the association between a game play request, a particular player, and a particular bingo card as required in element (b) of claim 1, element (b) of claim 8, and element (a) of claim 14 of the present application. Consequently, the 776 patent also does not claim or describe the game play record assignment set out at element (c) of claim 1, (b) of claim 8, and (b) of claim 14. In this light, the Applicants respectfully submit that the claims of the present case are not obvious over the claims of the 776 patent and are thus not objectionable under the doctrine of nonstatutory, obviousness-type double patenting.

For these reasons, the Applicants submit that Applicants' claims are patentably distinct from the claims in the 776 patent and that the nonstatutory, obviousness-type double patenting rejection of claims 1-4, 7-11, and 14-16 should be withdrawn.

IV. CLAIMS 1-20 ARE NOT ANTICIPATED BY THE CITED REFERENCES

The Office Action rejected claims 1-20 under 35 U.S.C. §102(b) as being anticipated by the U.S. Patent Publication No. 2002/0111207 to Lind et al. (the "207 publication") and as being anticipated by the 776 patent. The Applicants respectfully submit that claims 1-20 are not anticipated by either the 776 patent or the 207 publication. Because the 207 publication is simply the published version of the application that matured into the 776 patent, the following comments will refer generally to the 776 patent for the sake of brevity even though all of the comments apply equally to both references.

Considering the comments in the Office Action at the top of page 20, it appears the rejections are based on the proposition that if a player purchases a bingo card representation by making a game play request in the system disclosed in the 776 patent, game play request (and player) are then associated with a respective bingo card representation by virtue of the purchase. However, even if this "purchase" of a bingo card representation in the system described in the 776 patent is defined as creating an association between the game play request, player, and the bingo card representation, the cited references still do not include the game play record assignment required in the present claims (at element (c) of Applicants' claim 1, element (b) of claim 8, and element (b) of claim 14). This is because this association between a bingo card representation, a player, and a given game play request in the 776 patent **only occurs once the game play record has been assigned**. There is thus no way the 776 patent could disclose assigning the player the game play record corresponding to **the respective bingo card representation with which the respective player is associated**. (As at element (c) of claim 1 for example). Prior to the game play record assignment in the system disclosed in the 776 patent **there simply is no association between a given bingo card representation and a player or game play request**.

In contrast, to the requirements of the present claims, the 776 patent discloses that the game play records are randomly assigned to players (776 patent at col. 16, line 64 to col. 17, line 4). This disclosure in the 776 patent is directly opposite to the requirement at element (c) of claim 1 that a particular game play record is assigned to the player based on an association between the player and a given bingo card representation.

For these reasons, the Applicants respectfully submit that claim 1 is not anticipated by the 776 patent and is also not anticipated by the 207 publication, and that claim 1 is entitled to allowance along with its respective dependent claims, claims 2-7.

Independent Claims 8 and 14

Independent claims 8 and 14 are directed to a program product and apparatus, respectively, that require limitations similar to those of claim 1. In particular, claims 8 and 14 require that each game play request and each player is associated with a particular bingo card representation from the set of bingo card representations as required by claim 1. Claim 8 additionally requires that the game play record assigned to a respective player in response to a game play request corresponds to the bingo card representation associated with the respective game play request. Claim 14 additionally requires that the game play record assigned to a respective player in response to a game play request corresponds to the bingo card representation associated with the respective player. As discussed above, the 776 patent does not disclose these limitations. Thus, the arguments presented above with respect to claim 1 apply with equal force to claims 8 and 14.

For these reasons, the Applicants respectfully submit that independent claims 8 and 14 are not anticipated by either the 776 patent or the 207 publication, and that claims 8 and 14 are entitled to allowance along with their respective dependent claims, claims 9-13 and claims 15-20.

V. CONCLUSION

For all of the above reasons, the Applicants respectfully request reconsideration and allowance of claims 1-20.

If the Examiner should feel that any issue remains as to the allowability of these claims, or that a conference might expedite allowance of the claims, he is asked to telephone the Applicants' attorney Russell D. Culbertson at the number listed below.

Respectfully submitted,

The Culbertson Group, P.C.

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By: _____

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